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Department of Water Resources

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 92-00021
(Interim Administration)

**MOTION TO ENFORCE
ORDER GRANTING STATE
OF IDAHO'S AND MOTION
FOR ORDER OF INTERIM
ADMINISTRATION AND
MOTION FOR EXPEDITED
HEARING**

COMES NOW Rangen, Inc. and moves this Court for an order enforcing the Court's *Order Granting State of Idaho's Motion for Order of Interim Administration* in the above-captioned subcase. Rangen further requests this Court for an expedited hearing on this motion with a hearing set for September 23, 2005. Rangen requests a briefing schedule with briefs in response to this motion filed prior to September 2, 2005 and reply briefs to those responses filed by September 16, 2005.

**MOTION TO ENFORCE ORDER GRANTING STATE OF IDAHO'S MOTION FOR
ORDER OF INTERIM ADMINISTRATION AND MOTION FOR EXPEDITED
HEARING- 1**

On November 19, 2001, the State of Idaho filed a *Motion for Order of Interim Administration and Motion for Order Expediting Hearing* in basins 35, 36, 42, and 43 pursuant to I.C. § 42-1417. On January 8, 2002, this Court issued an order authorizing the interim administration requested by the State. The State subsequently requested and was granted interim administration in other administrative basins. Pursuant to the State's requests, in each case, this Court authorized administration in accordance with the Director's Reports and Partial Decrees. Despite this Court's Orders, the State, through the Director of the Department of Water Resources has not administered water rights as decreed. The Director has simply administered water rights, including water rights owned by Rangen, Inc., according to the Director's opinion as to what should have been decreed.

For the reasons specified herein, and in the brief in support of this motion filed herewith, Rangen hereby moves this Court for an order enforcing its previous *Order Granting State of Idaho's Motion for Order of Interim Administration* directing the State of Idaho through the Director of the Department of Water Resources to administer water rights according to the characteristics decreed by this Court.

Pursuant to *SRBA Administrative Order 1* ("AO1"), this motion would first appear on the docket sheet issued September 2005 and would consequently come on for hearing in November 2005 if heard without expedited scheduling. AO1 provides that this Court may order an expedited hearing. As the state of Idaho argued in support of its motions for Interim Administration, the need for Interim Administration of water rights is pressing and immediate. The Director is currently purporting to administer water rights under the authority of this Court's Interim Administration Order. As the brief accompanying this motion shows, the director is not administering water rights in accordance with partial decrees as authorized and required by the order of this court. The Director has issued orders in response to various requests for administration filed by Rangen and other water users and is proceeding to schedule hearings in response to objections raised to those

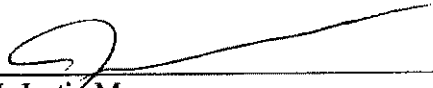
**MOTION TO ENFORCE ORDER GRANTING STATE OF IDAHO'S MOTION FOR
ORDER OF INTERIM ADMINISTRATION AND MOTION FOR EXPEDITED
HEARING- 2**

orders. The issues raised by this motion relate to the very foundation of those proceedings as they are currently moving forward. It is therefore imperative that these matters be resolved as quickly as possible. Therefore Rangen moves this Court for an expedited hearing in this matter.

Rangen requests oral argument.

DATED this 12 day of August, 2005.

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By 
J. Justin May
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CERTIFICATE OF SERVICE

The undersigned a resident attorney of the State of Idaho, hereby certifies that on the 12 day of August, 2005 he caused a true and correct copy of the forgoing document to be served upon the following by U.S. Mail.

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